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MAY 20 2004

OFFICE OF PETITIONS

In re Application of
Viltro et al.
Application No. 10/631,158
Filed: July 31, 2003
Attorney Docket No. CM2500MC
Title of Invention: Process For Making Pouches

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
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This is in response to the petition filed December 19, 2003, under 37 C.F.R. §1.47(a).

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on July 31, 2003, without a signed oath or declaration. Accordingly, on October 27, 2003, a "Notice to File Missing Parts of Application" was mailed requiring, for the purposes of this decision, an executed oath or declaration and a \$130.00 surcharge for its late filing.

In response, on December 19, 2003, a petition, and a partially executed declaration were received. A second Notice of Missing Parts was mailed on January 29, 2004 requiring the \$130.00 surcharge for late filing. The late surcharge fee in the amount of \$130.00 was provided on February 12, 2004 as well as a Declaration of Facts to support the petition.

Pursuant to petitioner's request deposit account 16-2480 has been charged the \$130.00 petition fee.


A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirements (1).

Further correspondence with respect to this matter should be addressed as follows:

By facsimile: (703) 872-9306

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.


Charlema R. Grant
Petitions Attorney
Office of Petitions